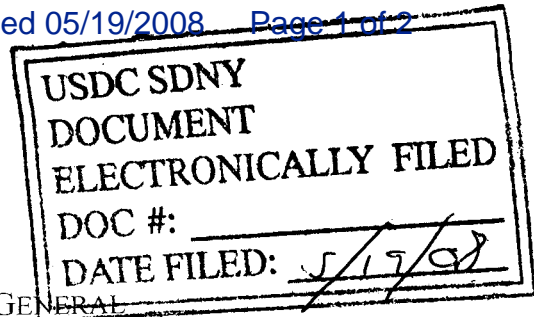




STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



ANDREW M. CUOMO
Attorney General

MEMO ENDORSED
(212) 416-8538

LESLIE LEACH
Deputy Attorney General
State Counsel Division

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

By Hand

May 13, 2008

Honorable William H. Pauley
United States District Judge
Southern District of New York
500 Pearl Street
Room 2210
New York, New York 10007

Re: Federal Express Corp. v. Brockington et al. (07 CV 4775)(WHP)

Your Honor:

This Office is counsel for defendants Kumicki Gibson, Margaret Gormley-King, Caroline Downey, sued individually and in their capacities as officials in New York State's Division of Human Rights and for the New York State Division of Human Rights (collectively, the "State defendants"). This action seeks a declaration that a civil rights matter commenced administratively in the New York State Division of Human Rights ("DHR") by defendant Isaac L. Brockington against plaintiff Federal Express is preempted by the Employee Retirement Income Security Act ("ERISA"), and an injunction against those DHR proceedings.

On August 17, this Court entered an order directing that the parties "report whether they have resolved the ERISA preemption issue by September 7, 2007." The Court then extended that date at the joint requests of the State defendants and plaintiff to April 30, 2008. We write now, on behalf of the State defendants and plaintiff jointly, to report on the status of the settlement.

Since the last status letter, I have not yet received a new draft of the settlement stipulation from plaintiff's counsel. The administrative hearing in this matter has also been completed. The parties have prepared findings of fact based on those hearings, and now await the ALJ's decision.

In light of the status of the administrative hearing, the parties therefore respectfully request that the Court set the new date for a status report as June 16, 2008.

The Court will schedule a status conference after receiving the next status report.

Application granted.
SO ORDERED:

William H. Pauley III
WILLIAM H. PAULEY III U.S.D.J.

5/16/08

Thank you for your assistance with this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elizabeth A. Forman", with a long, sweeping horizontal line extending to the right.

Elizabeth A. Forman
Assistant Attorney General

cc: Ian Harris, Esq. (by fax)
Colby S. Morgan, Esq. (by fax)
Mr. Isaac L. Brockington (by mail)